



California Fair Political Practices Commission

May 10, 1989

Honorable Tim Leslie
Assemblyman, Fifth District
P.O. Box 942849
Sacramento, CA 94249-0001

Re: Your Request For Informal Assistance
Our File No. I-89-245

Dear Assemblyman Leslie:

You have requested clarification with respect to whether funds in your 1988 campaign account may be used to reimburse you for officeholder expenses that you incur. An initial review of the relevant statutes enacted by Proposition 73 indicates that reimbursement for officeholder expenses is permissible. However, you may not be reimbursed for expenditures of your personal funds utilized to promote your election.

A proposed regulation to clarify the issue of reimbursement of an elected official for officeholder expenses is currently set for hearing by the Commission at its meeting on July 11, 1989. We have provided a copy of the proposed regulation and the memorandum outlining the legal issues involved for your review. Any comments or suggestions that you may have would be appreciated.

If you have any further questions regarding this matter please contact me at (916) 322-5901.

Very truly yours,

Kathryn E. Donovan
General Counsel

By: Margaret W. Ellison
Counsel, Legal Division

KED:MWE:aa

☐ DISTRICT OFFICE
1098 MELODY LANE, SUITE 301
ROSEVILLE, CA 95678
(916) 969-3660
(916) 782-3660
(916) 624-0100

April 20, 1989

COMMITTEES:
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May funds from a current elected official's 1988 campaign account be used to reimburse that official for "officeholder expenses" incurred by the official during the day-to-day conduct of his responsibilities, such as attendance at district events, community activities, charity functions, etc.?

I would appreciate your immediate attention to this inquiry.

Thank you in advance for your assistance in this matter. If you have any questions, please contact my Chief of Staff, John Allard, at (916) 969-3660.

Sincerely,

A handwritten signature in black ink, appearing to be 'Tim Leslie', written over the printed name.

TIM LESLIE
Assemblyman, Fifth District

TL:jjk

cc: Margaret Ellison
Assemblyman Ross Johnson

LAW OFFICE OF
LAWRENCE O. EITZEN

June 23, 1988

Margareta Altamirano
California Fair Political Practices Commission
428 J Street, Suite 800
P.O. Box 807
Sacramento, CA 95804-0807

Dear Ms. Altamirano:

I represent the Fairhaven Fire District, located in a very small town on the outskirts of the city of Eureka in northern California. The Fire District contains approximately fifty registered voters and is served by a five person Board of Directors. There are three paid employees of the Fire District, a chief and two assistant chiefs.

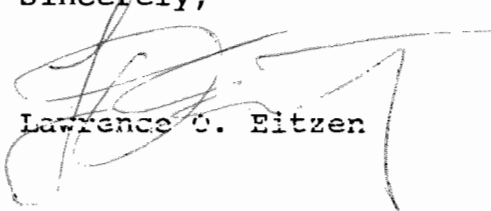
In November 1987, the wife of one of the assistant chiefs was elected without opposition to the Board of Directors. Since that time, the Board has had some difficulties arising from its efforts to avoid conflicts of interest. The Board meets once a month in the fire hall. It is the practice of the Board, at each meeting, to have a personnel session to provide all employees an opportunity to come before the Board with grievances or other personnel matters. In addition, on an annual basis, the Board has performance review sessions, at which it meets with individual employees and prepares an evaluation of their work.

Although in the present context, conflict of interest is narrowly defined under Section 1091.5(6) of the Government Code, the Board is aware that the "common law" conflict of interest rule proscribes any personal interest that would interfere with undivided allegiance. See, Miller v. City of Martinez, 28 Cal App 2nd 364, 368, and Noble v. City of Palo Alto, 89 Cal App 47, 51-52. Since there are only three employees, a decision affecting any one employee necessarily affects the others. To avoid conflicting loyalties, it has been the Board's position, based on advice from their legal counsel, that the spouse of the assistant fire chief should not be involved in personnel matters and should not be present at executive personnel sessions.

It has been suggested to the Board that it adopt regulations that would be uniformly applicable to all Board members. On behalf of the Board, I am writing to ask that you review this situation, including a 21-day investigation, if you feel it appropriate, and assist the Board in preparing appropriate regulations.

I thank you kindly.

Sincerely,



Lawrence O. Eitzen

LOE/jb



California Fair Political Practices Commission

June 29, 1988

Lawrence Eitzen
Fairhaven Fire District
P.O. Box 75
Eureka, CA 95501

Re: 88-245

Dear Mr. Eitzen:

Your letter requesting advice under the Political Reform Act was received on June 27, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact Margarita Altamirano, an attorney in the Legal Division, directly at (916) 322-5901.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Code of Regs. Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Diane M. Griffiths", is written over the typed name.

Diane M. Griffiths
General Counsel

DMG:plh